



TOWN OF TYNGSBOROUGH

Office of the Selectmen

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Selectmen's Meeting Minutes

Monday August 27, 2007

6:00 P.M.

Town Offices

Members present: Selectman Jay Booth, Selectwoman Jacqueline Schnackertz, Selectwoman Karyn Puleo, Selectman Kevin O'Connor, and Selectman Rich Lemoine

Staff Present: Town Administrator Rosemary Cashman and
Admin Assistant Therese Gay

The Chair call the meeting to order, the Board, and staff were introduced. The Clerk read the evening's agenda.

1. Storm Water Management Plan and By-law: Update

The Town Administrator presented the Storm Water Management By-law. After some discussion the Board will hold a public hearing at their next scheduled meeting in September.

2. Police Department

A. Installation of Stop Signs

Chief Mulligan received a request to have two stop signs placed at Makos Street and Rock Road intersection. After reviewing the traffic survey and accident reports from 1991 to present he is recommending that a stop sign be placed at the Makos Street where it intersects with Rock Road. Following discussions the Board agreed to advertise and hold a public hearing at their next Selectmen's meeting in September.

B. Disposal of Property

The police dept has amassed quite a property inventory and weapons inventory over the years. Chief Mulligan recommends working with Propertyroom.com and Villagevault.com to reduce the inventory and free some storage space at the police station. Both companies are reputable and have worked with many Massachusetts Police Departments. Following discussions the Board voted unanimously on a motion by Selectwoman Puleo and second by Selectman Booth to support the recommendation by Chief Mulligan to use Propertyroom.com and Villagevault.com to dispose of confiscated property and weapons.

3. 6:30 P.M. Public Hearing – Tree Removal

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to open the hearing. The Clerk read the public notice as it was advertise in the Lowell Sun. The Town's Tree Warden and National Grid's Representatives were present at the meeting. The Tree Warden, National Grid Reps and the Arborist viewed the trees along Sherburne and Coburn Rds. and Lakeview Avenue and have marked the trees that will be removed. These trees pose a threat to public safety and the loss of power if a tree falls on the wires. The owners of trees that

are on private property have been contacted and have signed waivers. The crew will start sometime in late September, there will be no debris. All the branches will be picked up as they move along. National Grid will notify the Tree Warden and he in turn will notify the Town Administrator. It should take one week to one and half weeks. The Chair asked if there were any residents present who wished to speak for or against the removal of trees, no one came forward.

On a motion made by Selectman O'Connor and second by Selectwoman Schnackertz the Board voted unanimously to close the public hearing.

On a motion made by Selectwoman Puleo, second by Selectwoman Schnackertz the Board voted unanimously to approve the removal of the 50 trees as marked.

4. Citizen's Time

No one came forward.

5. Dabilis Avenue – Acceptance as a Town Way

This acceptance of the "Order of Takings and Street Laying Out" is the final step in the acceptance of Dabilis Avenue. One item to address is the two light poles to be placed on Dabilis Avenue. The electricity and the pads are ready for the poles and lights. National Grid will send an Engineer over tomorrow to look it over. This acceptance must be recorded on September 11th or the whole process will need to be repeated. This evening the Board could vote to not accept or to accept with the condition that once the lights are in the plan can be recorded. On a motion by Selectwoman Puleo, second by Selectwoman Schnackertz the Board voted unanimously to approve the order of taking and record it at the Registry of Deeds as long as National Grid says that light poles can be installed.

6. Request from Mass. Development Finance Agency re: Mass Crane & Hoist Services, Inc.

The Massachusetts Development Finance Agency (MDFA) is assisting a company called Mass Crane & Hoist Services, Inc. with financing for the construction of a 20,000 square foot building at 72 Progress Avenue. The Board of Selectmen has been unable to determine the status of the Tyngsborough Industrial Development Financing Authority ("Authority"), and the Board has been asked to consider and act upon the proposed project by Mass Crane & Hoist Services, Inc. (the "Borrower") in the Town of Tyngsborough (the "Town") and to request that the Massachusetts Development Finance Agency ("the Agency") assume the role of the Authority in financing this project in the Town.

After further discussion, the adoption of the following resolution was moved by Kevin O'Connor and seconded by Karyn Puleo:

WHEREAS: The Borrower has proposed a project comprising industrial development facilities, to be owned and used by Mass Crane & Hoist Services, Inc. or an affiliate thereof in the overhead crane and hoist business, consisting generally of any or all of: (i) the acquisition of land located at 72 Progress Avenue, Tyngsborough, Massachusetts; (ii) the construction of an approx. 20,000 sq. ft. building as a manufacturing facility; (iii) the acquisition and installation of machinery, equipment, and furnishings at 72 Progress Avenue, Tyngsborough, Massachusetts; and (iv) the payment of costs of issuance of the Bonds (the "Project"); and

WHEREAS: The Borrower made application to the Agency for the financing of the Project through the issuance of Industrial Revenue Bonds (the “Bonds”); and

WHEREAS: The Board wishes to request that the Agency assume the role of the Authority in issuing the Bonds.

NOW, THEREFORE, BE IT RESOLVED:

That the Board hereby requests that the Agency assume the role of the Authority in financing the Project by issuance of the Bonds pursuant to Massachusetts General Laws Chapter 23G and Chapter 40D to finance the Project and that the Board cause a copy of this resolution to be delivered to the Agency.

The foregoing resolution, having been put to a vote, the result was as follows:

For the Resolution: Kevin O’Connor, Karyn Puleo, Jacqueline Schnackertz, Jason Booth

Against the Resolution: None

Abstain: Richard Lemoine

7. Request from Kopelman and Paige re: Legal Services

The law firm of Kopleman and Paige has sent a letter of disclosure pursuant to G.L. c.268A, sections 17 and 23. The law firm represents the LRTA with regards to the Lease Agreement and Maintenance Agreement concerning the Ford Eldorado van for use by the Town’s Council on Aging. This firm serves as General Counsel to the LRTA and the firm also serves a Special Counsel to the Town of Tyngsborough on certain matters, none of which have any actual or potential connection to the Lease Agreement. The Board of Selectmen voted unanimously on a motion made by Selectwoman Puleo, second by Selectman Booth that it is determined, pursuant to G.L. c.268A, section 17 and Supreme Judicial Court Rule 3:07, PR 1.7(a) and (b), that the interest of Kopelman and Paige, P.C., as General Counsel to the Lowell Regional Transit Authority is within the proper discharge of its official duties. It is further determined that Kopleman and Paige, P.C.’s representation of the LRTA will not materially limit its responsibilities to the Town of Tyngsborough in matters not related to the Lease Agreement described in Kopelman and Paige’s August 20, 2007 letter, and the Board of Selectmen of Tyngsborough consents to Kopleman and Paige, P.C.’s representation of the LRTA in this regard.

8. Other Business (if necessary)

A. Open Space and Recreation Plan Committee (Selectmen’s Appointee)

Selectmen will appoint a representative at their next meeting.

B. Appointments – COA Van Driver

The Board received and reviewed correspondence requesting the appointment of Philip Molleur as the part time van driver for the Council on Aging. The Council Members support this appointment. The Board voted unanimously on a motion made by Selectwoman Puleo, second by Selectman Booth to appoint Philip Molleur as the part-time Council on Aging van driver.

C. Gift of Land: Discussion

The Attorney for the property owners of 290 Middlesex Road contacted the Town about donating a piece of land located at the corner of Middlesex Road and Bryants Lane. The Board voted unanimously on a motion made by Selectman O’Connor, second by Selectwoman Puleo to receive the gift as presented. Town Meeting approval will be needed.

D. Sewer Department Office Space

The Sewer Commission recommends that an office space be created for the Sewer Department Administrator, who is presently working at a desk in the Inspectional Services areas next to the main counter and this area can become very noisy. The Commission is willing to pay for the renovation. The employees who work in this area have discussed various options and this seems the best. The Board voted unanimously on a motion made by Selectwoman Puleo, second by Selectwoman Schnackertz to approve the office renovations as presented. Selectman Lemoine recommends that the design provides ventilation for good air quality.

9. Correspondence

The Board voted unanimously on a motion by Selectwoman Puleo and second by Selectwoman Schnackertz to accept the correspondence.

10. Selectmen's Notes

The Selectmen caution drivers to drive carefully as tomorrow is the first day of school. There is a strong police presence on the first day.

11. Town Administrator's Notes

The Administrator has received 9 bids for the campground cleanup, and is reviewing the Willowdale pump station bid. Town Counsel has closed on the Shurfine bldg. and the building has been placed under the town's insurance.

12. Executive Session (If Necessary)

A motion was made by Selectwoman Puleo to enter into Executive Session to discuss litigation and exit executive session and to return to open session only to adjourn.

Roll Call Vote: Selectman Jay Booth, yes; Selectwoman Jacqueline Schnackertz, yes; Selectwoman Karyn Puleo, yes; Selectman Kevin O'Connor, yes; and Selectman Rich Lemoine, yes.

The Board entered into executive session at 7:40 P.M.

A. Litigation

Selectman Lemoine explained the settlement of the litigation for \$150,000 with the Engineering Consultant (LMG Consulting Engineers, Inc.) for the HVAC system at the Elementary School. The Board voted unanimously on a motion made by Selectwoman Puleo, second by Selectwoman Schnackertz to approve the Settlement Agreement. Roll Call Vote: Selectman Jay Booth, yes; Selectwoman Jacqueline Schnackertz, yes; Selectwoman Karyn Puleo, yes; Selectman Kevin O'Connor, yes; and Selectman Rich Lemoine, yes.

The Board had further discussions on finishing a personnel contract, the support to hire a much needed town engineer and the posting of a part-time media assistant.

On a motion by Selectman O'Connor to exit the executive session and to return to open session to adjourn, second by Selectwoman Puleo.

Roll Call Vote: Selectman Jay Booth, yes; Selectwoman Jacqueline Schnackertz, yes; Selectwoman Karyn Puleo, yes; Selectman Kevin O'Connor, yes; and Selectman Rich Lemoine, yes.

The Board exited the executive session at 8:10 P.M.

13. Adjournment

The Board voted unanimously on a motion by Selectman O'Connor to adjourn the meeting, second by Selectwoman Puleo.

The Board adjourned at 8:12 P.M.

Respectfully submitted,

Therese Gay
Admin Assistant

Approved on _____